

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Richard Albright,

Plaintiff,

Case No. 15-cv-10671

Hon. Judith E. Levy

Mag. Judge Elizabeth A. Stafford

v.

ISIS, also known as Islamic State Iraq
Syria, also known as ISIL, and Abu Bakr
Al-Baghdadi,

Defendants.

**OPINION AND ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION [1]**

This matter is before the Court on plaintiff Richard Albright's motion for preliminary injunction. Plaintiff has not filed a complaint.

The Federal Rules of Civil Procedure make clear that "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. The Advisory Committee's notes explain, furthermore, that "[t]his rule provides that the first step in an action is the filing of the complaint." *See id.* Advisory Committee notes, 1937 adoption. Without a complaint, the Court cannot issue any preliminary injunctive relief. *See Powell v. Rios*, 241 F. App'x 500, 505 (10th Cir. 2007) ("[a]bsent a

properly-filed complaint, a court lacks power to issue preliminary injunctive relief.”); *Alabama v. United States Army Corp of Eng’rs*, 424 F.3d 1117, 1134 (11th Cir. 2005) (“injunctive relief must relate in some fashion to the relief requested in the complaint”), *cert denied*, 547 U.S. 1192 (2006); *Adair v. England*, 193 F.Supp.2d 196, 200 (D. D.C. 2002) (“[w]hen no complaint is filed, the court lacks jurisdiction to entertain the plaintiff’s motion for injunctive relief.”); *P.K Family Rest. v. IRS*, 535 F.Supp. 1223, 1224 (N.D. Ohio 1982) (“[a]bsent a complaint, this Court lacks jurisdiction to entertain plaintiff’s petition for injunctive relief.”)

As the plaintiff has failed to file any complaint that invokes the Court’s jurisdiction, the Court will not entertain his motion for preliminary injunction because it has no subject matter jurisdiction to do so.

Accordingly, IT IS HEREBY ORDERED that:

Plaintiff shall have twenty (20) days from the date of the entry of this order to file a proper complaint that complies with the Federal Rules of Civil Procedure and that properly invokes the Court’s subject-matter jurisdiction. If plaintiff fails to file a complaint within this

timeframe or if he files a complaint that fails to satisfy the federal rules, the Court will dismiss this action with prejudice.

Dated: March 25, 2015
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 25, 2015.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager